IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7704 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

G.S.R.T.C.

Versus

KASAM ISMAIL

Appearance:

1. Special Civil Application No. 7704 of 2002
MS ROOPAL R PATEL for Petitioner No. 1
RULE SERVED BY DS for Respondent No. 1

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/10/2002

ORAL JUDGEMENT

The present petition was filed by the Gujarat State Road Transport Corporation being aggrieved of the

judgement and award of the Industrial Tribunal, Rajkot in Reference (ITR) No.372 of 1992 dated 30.6.2001. The learned member of the Tribunal was pleased to reduce the punishment of 'stoppage of three increments with future effect' to 'stoppage of three increments without future effect'. When the matter was taken up for hearing on 17.9.2002- on the returnable date a statement was made by Mr.G.K. Rathod, the learned advocate that he has instructions to appear in the matter for the respondent, therefore, the matter was adjourned to 27.9.2002. On 27.9.2002 the matter was adjourned to 4.10.2002. On 4.10.2002 when the matter was called out the learned advocate Mr.G.K. Rathod reported to this Court that he has not received instructions to appear in the matter. Hence 'Rule' was issued making it returnable for today. The order of this Court is served to the respondent workman on 21.10.2002 at 1.00 PM. An affidavit to that effect is also filed. Despite service the respondent workman has not caused any appearance. It is apparent from the conduct of the respondent workman that he wants to delay the proceedings of the Court. In view of that no further adjournment is granted. The matter is taken up for hearing.

2. The learned advocate for the petitioner corporation pointed out the statement of the respondent workman dated 5.5.1987, which was recorded on the spot of checking. The defence taken before the Court below is at variance. This shows that that respondent workman is trying to find lame excuses only, which cannot be allowed. On perusal of papers there is no justification for the learned Member of the Tribunal to have interfered with the punishment awarded by the Department of 'stoppage of three increments with future effect'. In view of that the present petition is allowed. The judgement and award is quashed and set aside. The original punishment of 'stoppage of three increments with future effect' is restored. Rule is made absolute with no order as to costs.

(Ravi R. Tripathi, J.)

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